IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL WRIT PETITION NO.1104 OF 2005

Mr.Dayalal M.Vaidhya .. ..Petitioner
Versus
Mr.Danendrakumar Bhogilal Shah and Ors. ..Respondents

Mr.Abhijeet P.Rane i/b Madhav J.Jamdar for petitioner
Mr.V.G.Mujumdar for Respondent no.1
Mrs.U.V.Kejriwal, APP for State

WITH

CRIMINAL WRIT PETITION NO.1105 OF 2005

Mr.Dayalal M.Vaidhya .. ..Petitioner
Versus
Mr.Nanchand Bhogilal Shah & Ors. ..Respondents

Mr.Abhijeet P.Rane i/b Madhav J.Jamdar for petitioner
Mr.V.G.Mujumdar for Respondent no.1
Mrs.A.S.Pai, APP for State

WITH

CRIMINAL WRIT PETITION NO.1106 OF 2005

Mr.Dayalal M.Vaidhya .. ..Petitioner
Versus
Mr.Nanchand Bhogilal Shah & Ors. ..Respondents

Mr.Abhijeet P.Rane i/b Madhav J.Jamdar for petitioner
Mrs.A.S.Gadkari, APP for State

WITH

CRIMINAL WRIT PETITION NO.1107 OF 2005

Mr.Dayalal M.Vaidhya .. ..Petitioner
Versus
Mr.Nanchand Bhogilal Shah & Ors. ..Respondents

Mr.Abhijeet P.Rane i/b Madhav J.Jamdar for petitioner
Mrs.S.D.Shinde, APP for State

WITH

CRIMINAL WRIT PETITION NO.1108 OF 2005

Mr.Dayalal M.Vaidhya .. ..Petitioner
Versus
Mr.Danendrakumar Bhogilal Shah & Ors. ..Respondents

Mr.Abhijeet P.Rane i/b Madhav J.Jamdar for petitioner
Mrs.U.V.Kejriwal, APP for State

WITH

CRIMINAL WRIT PETITION NO.1109 OF 2005

Mr.Dayalal M.Vaidhya .. ..Petitioner
Versus
Mr.Danendrakumar Bhogilal Shah & Ors. ..Respondents

Mr.Abhijeet P.Rane i/b Madhav J.Jamdar for petitioner
Mrs.A.S.Pai, APP for State

CORAM : J.N.PATEL &

SMT. ROSHAN DALVI, JJ.

DATE : 28TH AUGUST, 2006.

P.C.:

1. The Group of these petitions are filed by one Mr.Dayalal M. Vaidhya for quashing proceedings initiated before the J.M.F.C Court No.1, Pune by the Complainant in which the Petitioner along with other Directors of the Company have been prosecuted for the

offences under Section 138 of the Negotiable Instruments Act. The only ground for quashing is that the Petitioner is no more concerned with the affairs of the company, though it is not disputed that he is the Director of the Company i.e. Jai Hind Roadways Ltd..

2. Unless and until the Complainant is given the opportunity to prove his case it cannot be determined for want of evidence, which may be forthcoming about the complicity of the Petitioner merely on the relying on the say of the petitioner, that he was not in any manner concerned with the transaction. Therefore, we do not find any merits in the petitions, the Petitions are dismissed with costs.

(J.N.Patel, J.)

(Smt.Roshan Dalvi,J.)